

Translation

REPORT OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
ON A PCT COOPERATION TREATY

530,724

PCT/EP2003/011776



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40hrk/129120	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/011776	International filing date (day/month/year) 24 October 2003 (24.10.2003)	Priority date (day/month/year) 16 November 2002 (16.11.2002)
International Patent Classification (IPC) or national classification and IPC D21F 1/10		
Applicant ANDREAS KUFFERATH GMBH & CO. KG et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
<input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
<input checked="" type="checkbox"/> Box No. I Basis of the report
<input type="checkbox"/> Box No. II Priority
<input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI Certain documents cited
<input type="checkbox"/> Box No. VII Certain defects in the international application
<input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 29 January 2004 (29.01.2004)	Date of completion of this report 04 February 2005 (04.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.

PCT/EP2003/011776

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

The international application as originally filed/furnished

the description:

pages 1-13 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

pages 1-9 _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the drawings:

pages 1/4-4/4 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/EP 11776

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6-9	YES
	Claims	1-5	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: DE 42 29 828 A

D2: US-A-4 705 601

2. Claim 1

Document D1 shows a papermaking screen with all the features specified in the preamble of claim 1 (see D1, column 2, lines 22 to 42, and figure 1).

The features of the characterising part of claim 1 are also known from D1 (see figure 1; binding thread 7 passes over warp thread 5, and weft thread 6 passes under warp thread 5 (reference numbers from D1)).

The subject matter of claim 1 therefore lacks novelty and thus fails to meet the requirement of PCT Article 33(2).

3. Claims 4 and 5

The subject matter of dependent claims 4 and 5 is also known from D1 (see in particular column 2, lines 22 to

26 (two individual woven fabrics), lines 38 to 39 (plain weave) and figure 1 (angular measurement, multi-strand weave of the lower fabric layer).

Claims 4 and 5 therefore also lack novelty (PCT Article 33(2)).

4. Claim 6

The feature specified in claim 6 appears to relate to a minor modification of the screen according to claim 1 which does not go beyond what a person skilled in the art would normally do on the basis of routine considerations (see also document D2). The subject matter of this claim therefore does not involve an inventive step (PCT Article 33(3)).

Since claim 1 is not admissible, dependent claims 7 to 9 cannot be formally allowed either.

5. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not cite document D1 or give an account of the relevant prior art disclosed therein.